

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**December 21, 2009**

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Butz, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

**C061570      MIR v. THE SACRAMENTO SUPERIOR COURT; MEDICAL BOARD OF CALIFORNIA**

Cause called. Jehan Zeb Mir argued in pro. per. for appellant. Heidi Weisbaum, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:51 a.m., the court recessed. At 10:00 a.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C058390      THE PEOPLE v. JESSE MOE YOUNG**

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Barton Bowers, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:14 a.m., the court recessed. At 10:15 a.m., the court reconvened.

**C060469      In re R.K. et al.; SUTTER COUNTY DEPARTMENT OF HUMAN SERVICES v. R.K.**

Cause called. Ren K. argued for in pro. per. appellant. Richard Stout, Deputy County Counsel, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:30 a.m., the court reconvened.

**C059889      THE PEOPLE v. ALBERT TROYER**

Cause called. John Wilder Lee, court appointed counsel, argued for appellant. Doris A. Calandra, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 2:00 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

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## December 21, 2009, Continued

**C059281 THE PEOPLE v. GERALD HOWARD**

Cause called. Joan Isserlis, court appointed counsel, argued for appellant. Janis Shank McLean, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:19 p.m., the court recessed until 9:30 a.m., Tuesday, January 19, 2010.

**C058757 THE PEOPLE v. (Not For Publication)**  
**TONYA RENE BOYLE**

The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Raye, J.  
Robie, J.

**C060245      THE PEOPLE v.      (Not For Publication)**  
**MALCOLM JAMAL HAWKINS, JR.**

The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Nicholson, J.  
Robie, J.

**C061735      THE PEOPLE v.      (Not For Publication)**  
**MICHAEL BRUCE BRYANT**

The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.

**C060976      In re R.G.; THE PEOPLE v. R.G.      (Not For Publication)**

The judgment is reversed, and the case is remanded back to the juvenile court for further proceedings consistent with section 790 et seq. and California Rules of Court, rule 5.800. If, as a result of those proceedings, the juvenile court grants DEJ to the minor, it shall issue an order vacating the findings and orders. If the juvenile court denies DEJ to the minor, it shall make its order continuing in effect the judgment.

We Concur: RAYE, Acting P.J.  
Butz, J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**December 21, 2009, Continued**

**C061786      In re J.A.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. M.B.**

The orders of the juvenile court are affirmed.

ROBIE, J.

We Concur:    Scotland, P.J.  
                    Nicholson, J.

**December 22, 2009**

**C057004      THE PEOPLE v.      (Not For Publication)**  
**RAINER CHRISTOPHER WILSON**

The judgment is reversed and the case is remanded for new trial.

RAYE, Acting P.J.

I concur:       Butz, J.

I concur in Parts I and II of the decision, but I respectfully dissent as to  
Part III. ...

Hull, J.

**C059733      POLSTER et al. v. SACRAMENTO      (Certified For Publication)**  
**COUNTY OFFICE OF EDUCATION et al;**  
**TWIN RIVERS UNIFIED SCHOOL**  
**DISTRICT**

The judgment granting petitioners' writ of mandate is reversed.

The cause is remanded to the trial court with directions to deny the petition.

Appellants SCOE and Gordon shall recover their costs on appeal.

(Cal. Rules of Court, rule 8.278 (a) (1) – (3) . )

BUTZ, J.

We Concur:    Blease, Acting P.J.  
                    Hull, J.

**C060591      MASSEY v. O'BAR et al.      (Certified For Publication)**

The judgment is reversed to the extent it (1) dismissed plaintiff's cause of  
action for negligence against Nurse O'Bar and Mercy for plaintiff's fall (the  
common knowledge exception applies), and (2) awarded costs to defendants.  
In all other respects, the judgment is affirmed. Plaintiff is awarded his costs on  
appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (3) . )

BUTZ, J.

We Concur:    Blease, Acting P.J.  
                    Raye, J.

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**Court Minutes**

**December 22, 2009, Continued**

**C060498      In re RANDY LEDBETTER on Habeas Corpus      (Not For Publication)**

The Butte County Superior Court's granting of defendant's petition for writ of habeas corpus and its order directing the Board of Parole Hearings to set a date for defendant's release on parole are affirmed. The Butte County Superior Court's order directing the Board of Parole Hearings to release defendant forthwith is vacated, and the matter is remanded to the Board of Parole Hearings to set a parole date and to determine what, if any, conditions should be placed on the parole. The stay issued by this court on December 1, 2008, is vacated upon this opinion's finality.

SIMS, J.

We Concur:    Scotland, P.J.

Butz, J.

**December 23, 2009**

**C058379      WESTLAKE et al. v. WILLMS et al.      (Not For Publication)**

**C059434      WESTLAKE v. WILLMS et al.**

The judgments are affirmed. Having served its purpose, the stay issued on January 15, 2009, is vacated.

SCOTLAND, P.J.

We Concur:    Nicholson, J.

Robie, J.

**December 24, 2009**

There are no minutes for this date.

**December 25, 2009**

There are no minutes for this date.